

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,
v.
MONIQUE MILLS and NICHOLE PECH,
Defendants.

Case No. 07mc289

**ORDER TO CONTINUE
APPOINTMENT OF COUNSEL**

TO: CLERK OF THE U.S. DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

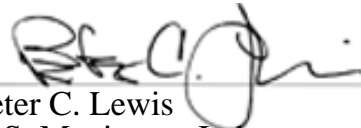
Good cause appearing, the Court, *nunc pro tunc* to April 24, 2006, authorizes and orders the continued appointment of Jack J. Boltax as counsel for Monique Mills and Wendy Gerboth as counsel for Nichole Pech, in the above-entitled case. This court further orders that Mr. Boltax and Ms. Gerboth shall continue to have the authority to legally represent Ms. Mills and Ms. Pech, who are the targets of a continuing governmental investigation.

The exact circumstances at issue are not expressly covered in the Criminal Justice Act (“CJA”) Plan delimiting discretionary appointment of counsel. Specifically, the plan allows appointment of counsel for any financially eligible person who “has been called as a witness before a grand jury, court, the Congress, or a federal agency or commission which has the power to compel testimony, and these is reason to believe, either prior to or during testimony, that the witness could be subject to a criminal prosecution, a civil or criminal contempt proceeding or face loss of liberty.” Criminal Justice Act Plan § (IV)(A)(2)(d); see Criminal Justice Act, 18 U.S.C.A. § 3006A. However, when acting in the spirit of

1 the CJA Plan and the culture of the District and where justice so requires, the Court has the inherent
2 authority and discretion to appoint counsel. United States v. Bowe, 698 F.2d 560 (2nd Cir. 1983)(stating,
3 the CJA did not blot out the federal courts' "inherent authority to do those things reasonably necessary
4 for the administration of justice"); see generally United States v. Dillon, 346 F.2d 633, 636-38 (9th Cir.
5 1965), cert. Denied, 382 U.S. 978 (1966)(tracing age-old professional obligation on bar to represent
6 indigents). Here, the Court invokes this inherent authority.

7 IT IS SO ORDERED.

8 DATED: May 18, 2007

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11 Peter C. Lewis
12 U.S. Magistrate Judge
13 United States District Court
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